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THE CLAIM OF TAXING THE NAVIGATIONS AND FREE LANDS FOR THE Drainage and Preſervation of the Fens, CONSIDERED;

Being the Contents of a Pamphlet firſt printed in 1778.

WHEREIN IS SHEWN,

The oppreſſive Deſign of a Bill then offered to Parliament by the Corporation of the Bedford Level, but afterwards abandoned:

AND WHEREIN WILL BE DISCOVERED

The no leſs oppreſſive Deſign of a Bill now in Contemplation for making a NEW CUT from EAU BRINK to LYNN HARBOUR.

NOW REPRINTED

For the Information of thoſe who may be affected by the Tolls and Taxes intended to be impoſed by the laſt mentioned Bill.

LONDON:

SOLD BY MESSRS. BENJAMIN AND JOHN WHITE, HORACE'S HEAD, FLEET STREET.

1793.

BRITISH MUSEUM

ADVERTISEMENT.

To all Perſons intereſted in the Navigation of the River Ouze, and the ſeveral other Navigable Streams and Cuts branching therefrom, and to all Proprietors of Lands within the Boundaries deſcribed in, and propoſed to be taxed by, the Bill now in agitation for making a New Cut from Eau Brink to the Harbour of Lynn, the Peruſal of the following Publication is at this time, with reference to the above Bill, particularly recommended by

THE EDITOR.

IT appearing by the heads of the Bill, which has been already circulated, that a tax of 4d. per acre upon lands within the Middle and South Levels of the Fens, Marſhland, and other places, and a toll of 4d. per ton, upon goods, or articles, to be navigated to or from the Port of Lynn, through the New Cut, are deſigned to be impoſed during the ſpace of ten years, for raiſing money to defray the expences of the abovementioned work; and the public ſeeming to have forgotten that application was made to Parliament, in 1777, by the *Bedford Level Corporation*, for nearly the ſame purpoſes, as well as the fate of that application, the Editor thought he could not render a more acceptable ſervice to the country immediately affected by ſuch impoſts, than to republiſh the obſervations contained in the following ſheets; convinced, that as they in a great meaſure contributed to the overthrow of the former Bill, by expoſing the unjuſt principles upon which it was founded; ſo they cannot fail to open the eyes of thoſe upon whoſe purſes and property the ſame attempt is now renewed. Although the oſtenſible conductors are changed, the ſcheme is in principle ſtill the ſame, but more objectionable in its form, and more extenſive in its operation; and it is at leaſt open to conjecture, whether the preſent

Bill, which ſo ſtrongly bears the leading features of the other, may not be the unavowed, clandeſtine offſpring of the ſame parent. The part aſſigned to the Corporation in this ludicrous drama, is not the leaſt farcical circumſtance attending the plot: the Conſervators are made to appear, as if reluctantly yielding (at the earneſt ſolicitation of the oſtenſible movers of the buſineſs) their conſent to a plan for carrying into effect, at the expence of others, a work, which, (if neceſſary for the drainage of the Fens, or preſerving the Navigation) the Corporation is bound to execute at their own coſt.

AN

AN ANSWER

TO AN INQUIRY INTO FACTS, &c.

THE Author of the following pages would not ſo long have delayed giving the public an anſwer to the pamphlet, entitled, "*An Inquiry into Facts*," had he not waited for ſome abler pen to have combated the meaſures about to be taken by the corporation of the *Bedford* Level. The great and alluring object of the Bill intended to be offered to Parliament, is, *The Preſervation of the Great Level of the Fens in the Counties of Norfolk, Cambridge, &c.* Should the intentions of the Corporation meet with the ſanction of the Legiſlature, a great, and, I apprehend, an undeſerved hardſhip will fall upon the inhabitants, and particularly the poor, of the ſeveral counties which ſurround theſe Fens: a conſideration which determined the Author to venture theſe ſheets before the public; and which he apprehends will carry with it a ſufficient apology for the imperfections that may be found therein.

That the preſervation of this great Level is worthy the attention of the Legiſlature is beyond all doubt; but that the means offered by the Corporation of the *Bedford* Level, for that purpoſe, are *juſt* and *equitable*, is a matter now intended to be controverted; and,

perhaps, no better method can be purſued, than, by bringing to view the arguments of the writer of the above pamphlet, and ſhewing upon what unjuſt and fallacious ground they ſtand. Notwithſtanding the benevolent and unintereſted principles on which he pretends to write, it is evident that he has been employed with a deſign to ſoften the real ſeverity of the intended meaſures; and, under a pretence of giving impartial *information*, has brought out every argument that can any way miſlead the minds of the public to an acquieſcence in the moſt inequitable mode of obtaining the object in view; and all this I may venture to aſſert, by the immediate direction of the *Bedford* Level Corporation.

As theſe pages treat of a ſubject rather confined in its nature, and will probably be read by none but thoſe who have peruſed the book they are intended to anſwer, the Author does not think it neceſſary to repeat the *hiſtorical part* of this Great Level, any farther than as it may ſerve to remove the wrong impreſſions that have been endeavoured to be conveyed by it.

The *Inquiry into Facts* informs us, that "*Francis* Earl of *Bedford*, in 1630, actuated *ſolely by principles of public ſpirit*, and not by any little motives of intereſt, after many fruitleſs attempts by others, undertook this great work of draining the fen." Now, there is no authority, I apprehend, for fixing ſo good a motive to the Earl's ſcheme. St. Cornelius Vermuyden, a man well ſkilled in the buſineſs of draining, and who would not have undertaken a work of ſuch magnitude but with the view of greatly enriching himſelf, had abſolutely agreed for the whole undertaking, at his own expence; for which he required 95,000 acres of the *drained* land: but, at a Commiſſion of Sewers held at *Lynn* (1 Sept. 6 Car.) the Commiſſioners and country were not willing that a contract ſhould be made with an alien and a ſtranger. It was therefore undertaken at their requeſt by the Earl of *Bedford*, upon the like advantageous terms of having 95,000 acres of the drained

drained land allotted to him*. The Earl had of *his own private property* near 20,000 acres of this Fenny Level, which would be drained by the execution of the ſcheme; and this, therefore, was a ſuperinducement for him to undertake it.—I am far from wiſhing to depreciate the motives of the noble Undertaker and his participants; but from theſe facts it is more than probable they were actuated *not ſolely* by public ſpirit; and, therefore, the public are leſs obliged to yield to any exhorbitant demands their poſterity may think proper to make upon them; eſpecially, if it be made appear that the undertaking has turned out to the immenſe advantage of the Undertakers.

It may not be amiſs to give the reader a brief account of what followed the contract with Earl *Francis*. At a Commiſſion of Sewers held at *Peterborough* (12 Oct. 13 Car.) the whole Level was adjudged drained, and the 95,000 acres ſet out to the ſaid *Francis* Earl of *Bedford*; who, together with his participants, had expended in the work the ſum of 100,000l. However, though the lands were allowed to be very much improved by the works which had been done, yet were they ſubject to inundations, eſpecially in the winter ſeaſon: and, therefore, at a Seſſions of Sewers held at *Huntingdon* the year following, the ſaid Earl of *Bedford's* undertaking was adjudged *defective*. King *Charles* afterwards undertook the matter; and, enlarging the ſcheme of drainage, intended to make the Fens *winter* grounds, as well as ſummer ones; for which, beſides the former 95,000 acres, a further allowance of 57,000 acres was to be granted. But the troubles of thoſe times operated to the neglect of the King's purpoſe; whereupon *William* Earl of *Bedford*, ſon of the former, in behalf of himſelf

* Theſe and other circumſtances mentioned in this anſwer, are confirmed by the Hiſtory of the Great Level, written by *Sir Wm. Dugdale*; whoſe accuracy and credit are ſufficient to ſubſtantiate any aſſertions that are drawn from his authority.

and others, made application * to the Convention then ſitting at *Weſtminſter*, and which was called a Parliament, for leave to renew his father's undertaking, and *upon the ſame terms*. His requeſt was granted, with only this difference, that (inſtead of 40,000 acres only, which were to be taxed by the agreement with Earl *Francis)* by this renewal of the undertaking, the whole 95,000 acres were to be taxed for the purpoſe of continuing the Level in a drained ſtate. By a decree of Sewers made at *Ely* in 1653, the Level being adjudged fully drained, the Earl and his aſſociates were put in poſſeſſion of the 95,000 acres according to the agreement.

That a *tax upon the lands* was the moſt likely and equitable means of preſerving the drainage of them is beyond all diſpute. The proprietors of thoſe lands were to be the gainers by the drainage; and their intereſt was intimately connected with the preſervation of the land when drained; the improvement of which brought with it the power of paying the tax. The taxation was, however, confined to the 95,000 acres, the reward of the adventurers; and it was a part of the agreement to which *they* readily acceded; and, on account of which the original proprietors of the Fens more readily yielded to the immenſe reward of *one third of the whole Level.*

Not ſatisfied, however, with theſe means of performing one part of the contract, namely, *the keeping of the country in a ſtate of drainage*, the purpoſe of the *Bedford* Level Corporation is, by means of their preſent Bill, to tax the other lands in the Fens †, as well as

* It is not likely that Earl *William* would have ſolicited the renewal of his father's undertaking, had there not been an almoſt certain advantage, when completed, equal to the greatneſs of it: and this opinion is not without the oblique concurrence of the writer of the *Inquiry*; for, at page 7, he ſays, that, "to gain the Fen by draining, was a flattering object to thoſe who had abilities to undertake ſo arduous and expenſive a work."

† The North Level having been ſeparated in 1754 from the Middle and the South Levels, when the words *Fens, Great Level*, &c. are mentioned

as the adventurers 95,000 acres; and, beſides this, *to lay an exorbitant toll on coals and other goods conveyed by means of the ſeveral navigable rivers*, which unfortunately direct their courſe through the Great Level.

Their pretenſions to this additional tax and toll are endeavoured to be rendered plauſible by the *Inquiry into Facts*; but thoſe pretenſions I ſhall now proceed in the examination of.—Whatever reaſons the proprietors of the *free lands* may have to comply with the tax on their portion of the Fens, I conceive there can be no reaſon for burthening the *navigations* (already overloaded with taxes) with an additional toll. They are totally unconnected with the Fens and the ſcheme of draining them; they were no parties concerned in the agreements between the drainers and the proprietors of the country drained, any farther than as they were ſecured thereby from any prejudice in conſequence of thoſe agreements *. They never aſked, nor do they now want, any aſſiſtance from the ſcheme of draining. All they require is the enjoyment, without any new burthen, of their ancient paſſage through theſe Fens, which nature and cuſtom had firmly eſtabliſhed long before the idea of draining them was conceived.

The *Inquiry into Facts* is methodically made, under ſeveral heads: to examine theſe diſtinctly, will be as proper a method as can be purſued to induce a true ſtate of the matter.

mentioned relative to any thing in the preſent application to Parliament, *the Middle and South Levels only* are thereby to be underſtood; the other not being concerned in that application.—The reader will pleaſe to obſerve alſo, that the terms, *Adventurers*, *Undertakers*, *Corporation of the* Bedford *Level*, *Conſervators of the Great Level*, are meant to convey an idea of the ſame body of men.

* By the 9th article of theſe agreements, it is provided, that the port and haven of *King's Lynn* be preſerved; and the navigation, paſſage, and highways, in, upon, or about, all the navigable Rivers, namely, the *Ouſe*, *Grant*, *Nene*, *Welland* and *Glen*, are to be preſerved; and no prejudice, annoyance, hurt or hindrance to be done to them.—*Dugdale*.

Under the *firſt* head is comprehended a view of THE CONSEQUENCE OF THE UNDERTAKING TO THE PUBLIC.

To gain 300,000 acres of land from a ſtate incapable of cultivation, was certainly of conſequence to the public, and is readily allowed; but if, on this account, it be intended (and there ſeems no doubt of it) to impreſs the public with an idea of their obligations to the *undertakers*, the intent is not founded in reaſon. *They* had ſtrong inducements to the undertaking in the benefit that would accrue to themſelves from the ſucceſs of it; and, in the courſe of theſe pages, it will be ſhewn that they have been very liberally rewarded for their trouble. The inſtance the *Inquiry* gives, at page 17, of the advantage (no leſs than 113,600l. in one year) which aroſe from the draining and occupying of only 28,000 acres of the Great Level, is an argument to my purpoſe: for, if ſo ſmall a part of the whole gained ſo much, it only proves the immenſe advantage that accrued to the *adventurers* from the ſhare that was allotted to them.

But ſhall it be argued, that becauſe a tract of land has been improved (and that to the great advantage of the improvers) the *public* are to be taxed for the ſupport of it, againſt all the *expreſs contracts* and reaſons to the contrary?—The *public* is benefited *at large* by the cultivation of the Fens, only as an introduction to greater plenty; the *proprietors* of thoſe improved lands have been *individually* benefited, and that in the ſame proportion. Had the public received a greater benefit, the proprietors would alſo have received a greater. The argument, therefore, turns upon themſelves, if they ſuppoſe that the *public*, who they would pretend have received ſuch great benefit from the culture of the Fens, ſhould aſſiſt in the farther improvement of them by the preſent ſcheme: for the greater the benefit is which the public have received, the more able are the adventurers and proprietors of the Fens to do without their aſſiſtance. The public ſufficiently

ſufficiently diſcharge their obligations to the adventurers, by affording them a ready and advantageous ſale for ſuch commodities as they may think fit to cultivate. But will not the objection to the taxation by *tonnage* come with double force upon its advocates, when we recollect, that though the public, in an *extenſive ſenſe*, receives the advantage, the aim of the bill is, to lay an exorbitant tax (by means of the toll) upon the *few counties only* which circumſcribe the Fens?—

The next matter which the *Inquiry into Facts* treats of, is, THE NATURE OF THE CONTRACT. It deſerves ſome attention; and, I truſt, will be found to produce nothing in favour of the intended meaſures, though the whole drift of the argument is directed to that purpoſe.

The contract, *on the adventurer's ſide*, conſiſted of two parts: "The firſt was, *to drain the country*; the ſecond, when it was drained, *to preſerve it in a drained ſtate*, by ſupporting the works that had been made, and by adding new ones, as occaſion and circumſtances might require *."

The *proprietors of the Fens*, on *their* part, agreed to put the adventurers in poſſeſſion of their reward of 95,000 acres, as ſoon as the *firſt* part of their contract was performed; that is, as ſoon as the Fens ſhould be drained. But let not the reader imagine that the Earl and his aſſociates were to fail of every part of their reward, if they ſhould fail in the execution of their *whole* deſign; for, by the 6th article of agreement, whenever 30,000 acres (out of the whole 300,000) ſhould be drained, the Earl was to have a due proportion allotted out of it; ſo that no *riſk* was run by the adventurers, ſince there was no doubt of

* Theſe are the grand outlines of the contract; but there were other agreements and articles entered into by the adventurers, which are, or will be, noticed in their proper places; and, had the *Inquiry* been for the purpoſe of *information*, they would probably have found a place *there* alſo.

their being able to drain ſo ſmall a portion; and, as they proceeded in the execution of their ſcheme, their allowance increaſed accordingly.

I thought proper to take notice of this circumſtance, becauſe the writer of the *Inquiry* has been at more than uſual pains to impreſs his reader with ideas of the *great riſk* the adventurers ran by their ſcheme; and how much they deſerve in conſequence!—His intention is no where more apparent, and the little reaſon there is for allowing them any merit on this account, is no where more clear, than in the conſideration of this part of his book, which treats of the *nature of the contract.*

"It was, ſays he, a contract of hazard; and of that ſort that it could never be made on terms of equality; ſo as that the adventurers ſhould receive a conſideration exactly equal to the advantage which thoſe with whom they contracted were to derive from the completion of the firſt part of the contract, and a conſtant attention to the execution of the ſecond part."—Now, though, perhaps, the terms of the contract could not be made on an exact balance; yet, I will venture to affirm, no terms could have been deviſed, that would have been ſo likely to turn out to the advantage of both parties. The benefit the *country* would receive depended on the advantage of the *adventurers*; and *vice verſa*, that of the adventurers on the good they ſhould do to the country. Their intereſts were inſeparably connected; were of the ſame kind; and in due proportion.

It is abſurd to talk of any merit in the adventurers with regard to the *hazard.* They knew the buſineſs they were about, and ſaw through all its conſequences, as well as the party they had to contract with; and, it is not reaſonable to ſuppoſe, that they would cloſe the agreement on terms of diſadvantage to themſelves. If there was *hazard* in the undertaking, they took care, no doubt, to raiſe their terms accordingly.—As to the long liſt of difficulties and obſtacles which

which theſe adventurers had to ſurmount, and which is given in this part of the *inquiry*; ſuch as cutting drains, making banks through bogs and moraſſes, with other things about lakes, outfals, tides, winds, and I know not what beſides;—Does the writer ſuppoſe theſe difficulties did not preſent themſelves to the minds of the adventurers?—There is no doubt but they did, and influence the terms of the contract accordingly. They are all comprehended under the idea of *draining*—the adventurers were well acquainted with their power in impeding the work they were going to undertake—and thoſe with whom the adventurers contracted had no mean opinion of that power, or they would never have allowed the immenſe quantity of 95,000 acres for counteracting it.

The ſubjects which next come under the conſideration of the *Inquiry into Facts*, are, THE EXECUTION OF THE CONTRACT, THE SITUATION OF THE CONTRACTING PARTIES AT THIS TIME, AND THE CAUSES WHICH HAVE BROUGHT ABOUT THE PRESENT STATE OF THE GREAT LEVEL.

The firſt part of the contract was performed: the lands were drained, and the adventurers put in poſſeſſion of their reward of 95,000 acres—It is from the non-performance, on the adventurers' ſide, of the *ſecond* part of the contract, that the level, which was once in a drained ſtate, is brought into the *preſent*, though not into that *alarming*, one, the *Inquiry* informs us, and would have us believe, it is now in.

The 95,000 acres were granted the adventurers as well for the performance of the *ſecond* part of the contract as the *firſt*. The fund for performing the ſecond part was raiſed by a gradual acre tax (ſee page 28 of the *Inquiry*) on the adventurers' land. That tax was deemed, by both parties in the contract, a ſufficient fund for keeping the works in proper repair, and the country in a ſtate of drainage; and ſo it would undoubtedly have proved, had the adventurers done their duty: but, by the neglect or abandonment

donment of ſome part of their works, they made room for the enemy to flow in upon them; which, had they at firſt properly reſiſted, might have been kept at a due diſtance, or, in ſome meaſure, defeated; at leaſt, with a much leſs expence than will now be required for that purpoſe. They were too greedy of the profits of their land, and were unwilling to tax it to the full, though its own preſervation depended thereon. By theſe means the power of what obſtructed their ſcheme has increaſed; and (by the *Inquirer*'s account) threatens to ſpoil, together with their own, thoſe lands which they had bound themſelves to ſecure.

The adventurers complain that the fund for the performance of the ſecond part of the contract is not equal to the taſk for which it was intended. Let us for a moment ſuppoſe* that this is the caſe *at the preſent time*; that the adventure lands may not *now* bear ſo heavy a tax as will be neceſſary to put the works into good repair, and afterwards preſerve them.—Where lies the blame of this?—on the *adventurers*. Every one knows how much the difficulties of draining increaſe by neglect. What might have been done, in a regular progreſſion, with a trifling expence, will now coſt an enormous ſum to effect.—Had the adventurers fought with the difficulties as they aroſe; had they, as much as they had been able, repaired the breaches and decays of the ſeveral works as they happened, and which they were bound to repair, there would have been no need to have ſought aſſiſtance from ſuch inequitable means as are now propoſed.

That the adventurers have been able to do this, will appear pretty clearly, by ſome few calculations of the expences they have been at, and the ſums they have received, ſince the commencement of the un-

* I would have the reader only *ſuppoſe* this, for it will not be found ſo in fact.

dertaking;

dertaking; and which ſhall be made too, in part, from the *data* found in the Inquiry.

At page 34 we are informed that the execution of the firſt part of the contract coſt the adventurers the ſum of £400,000. The ſecond part (keeping the country in a drained ſtate) coſt them £600,000, ſo that the whole expence which they have been at to the preſent time, is £1,000,000, excluſive of the debt * which is contracted.—Let us now ſee what the adventurers have received ſince the undertaking was completed.

The rents of 95,000 acres, on an average of 7s. 6d. *per* acre, for 124 † years, will be about £4,000,000. They are now in poſſeſſion of the land, which, if ſold at 30 years purchaſe, would fetch - - - - - - £1,000,000

£5,000,000‡

So that theſe complained adventurers have received no leſs than *five* millions for the *one* million which they have expended on the works.

Mr. *Pownall*, in a late publication on the moſt effectual method of draining the Fens, hath, in a *poſtſcript*, taken ſome notice of the pamphlet now under conſideration. What he has advanced is ſo much to the purpoſe, and ſo applicable to the ſubject more immediately under our notice, that I need make no apology for uſing it in this place.

" The *ſecond* part of the contract, ſays Mr. *Pownall* (agreeably to the Inquiry, page 80) by which the 95,000 acres were made liable to a perpetual taxation for the ſupport and maintenance of the Great Level in a ſtate of drainage, has, in 113 years, that

* The debt is about £40,000.

† The Fens were adjudged drained in the year 1653—Mr. *Pownall* begins his calculations from the year 1663.

‡ A perfect exactneſs is not obſerved in theſe calculations; and it is apprehended, when ſuch large ſums are concerned, it will not be required.

is,

is, from 1663 to 1776, coſt 607,511*l.* which is, at an average, taking it in a round ſum, 5,400*l.* *per ann.* beſides a great debt incurred.

" But there is one other condition, covenant, and agreement, in this contract, to which the contracting adventurers, and their repreſentatives, the preſent poſſeſſors of the 95,000 acres, are bound; which *this Inquiry into Facts* hath omitted to ſtate to conſideration. I will, therefore, ſtate it from the act of parliament which recognized and enacted this contract. It was a condition and covenant to which they were not only bound, but for the ſeeing of which executed, commiſſioners were eſtabliſhed with powers of ſuperintendance, and of giving relief and remedy; that they ſhould do *nothing to the prejudice of the navigation, nor any ways obſtruct, interrupt, or render it worſe in the Ouſe, Grant, or any of the rivers which run through the Great Level*; and that if they did any ways obſtruct, damage, or prejudice navigation, and did not make good and amend the ſame *at the proper coſts and charge of the corporation*, the ſuperintending commiſſioners had power *to tax theſe* 95,000 *acres* for the keeping and preſerving the navigation.

" The facts thus ſtated, let us ſee how the *corporation pamphlet* (as Mr. *Pownall* very properly calls the *Inquiry into Facts)* applies the principles of the propoſed Bill. It ſays, that the executing the firſt part of the contract coſt 400,000*l.* by which moſt of the adventurers were ruined. If they were ruined, their ruin muſt have been the conſequence of their not executing, or, to uſe the words of the contract, *not effecting the work:* For, if they had effectually drained the lands, and that at the coſt and charge of no more than 4*l.* *per* acre, which 400,000*l.* for 95,000 acres does not much exceed, they could not have been ruined; for theſe lands ſo drained muſt have been worth much more than 4*l.* *per* acre, more than double.

" Well, but the continued execution of the ſecond part

part of the contract, that is, the maintaining these lands in a state of drainage, hath cost 607,518*l.* in all above *a million*, so reasons the *Inquiry*. But as this last 600,000*l.* is but the sum total of the expenditure of 113 years, that is, from 1663 to 1776; the average annual expence *has been but about* 5,400*l.* (taking a round sum) *out of a fund of* 30,000*l. per ann.* And yet the *Inquiry* states it as one of the facts in this case, that this fund is inadequate to the end; and deficient, as ways and means, to the service to which it was appropriated; and, therefore, concludes to the justice and necessity of a further aid by taxes on the free lands, and by a toll of tonnage on navigation. Which *lands* by the express terms of the contract, confirmed by act of parliament, were to be free and exempt from all taxes; and which *navigation* was not only to be free and uninterrupted, but to be kept so at the proper cost and charge of these adventurers, the corporation.

" The *Inquiry* says, that the 300,000 acres are worth 100,000*l. per ann.* the 95,000 acres, therefore, part of those 300,000 acres, must be worth about 30,000*l. per ann.* A tax of 5,400*l. per ann.* at an average, is between a fifth and sixth part of that rent, or about three shillings and six pence in the pound. Now, I am greatly at a loss, even with the aid of the *Inquiry*, to make out, how a service, which in 113 years hath, upon an average, called for but *three shillings and six pence in the pound* of the *rent* of a certain fund in land, the *whole* freehold of which was originally liable to that fund, can be said to have *exceeded* the powers of the fund, while the residue of not only the rent (public taxes paid) but the freehold itself (given and accepted as the consideration and full recompence) should remain liable, not only to all expences, but to the discharging all debts. By what law or justice, or how in common sense (if the possessors of the free lands are distinct persons, in fact, from the possessors of the 95,000 acres) can they ex-

pect the free lands and navigation to be taxed and tolled, not only as a farther aid to farther engagements, but *in order to diſcharge the debts of the corporation*, which theſe adventure lands are not only by law a fund for, but are, by the account of the corporation-pamphlet itſelf, competent to.

" It is equally beyond the ſcope of my faculties to inveſtigate by what juſtice or reaſon, or on what principles, theſe adventurers and their repreſentatives, poſſeſſors of the adventure lands, who are bound to the making, preſerving, and keeping, the navigation in the Ouſe, Grant, and ſuch other navigable rivers as paſs through the Level, and ſo bound, that if any of theſe rivers be obſtructed, interrupted, or made worſe than they were in the ſixth of king Charles the firſt, they muſt repair and make good the ſame at the proper coſts and charge of the corporation, can, under the preſent perverted, obſtructed, interrupted ſtate of the navigation, call upon, or expect, the commercial intereſt and conſumers, living in the counties ſurrounding theſe Fens, to load themſelves with *the payment of tolls, inſtead of receiving remedy for the prejudice already done to navigation*; and, inſtead of enjoying (as was their ancient right) a *free navigation*, to ſubmit to exerciſe and enjoy the ſame hereafter, under ſuch laws, orders and limitations, as the *corporation*, who, by this bill, aims to acquire the benefit of it, ſhall by their bye laws ſubject it to."

By all that Mr. *Pownall* has here advanced, it is evident, that the adventurers, from their firſt incorporation to the preſent time, have been in poſſeſſion of a fund amply ſufficient for performing every condition of the contract; that they have had an income of 30,000*l. per ann.* out of which they have expended on their works no more than 5,400*l. per ann.* that, therefore, whatever ſtate of decay their works may now be in, it has been owing to their own greedineſs and neglect, and not to their want of ability, that they are not in as good a ſtate at this moment, as they were

were the firſt hour of their completion.—It is alſo equally evident, that whatever injury the navigation have received; whatever repair they may now ſtand in need of, it is a duty abſolutely incumbent on the adventurers to reſtore them to a perfect ſtate of reparation, without any way burthening the navigations for ſuch purpoſe. But more of this hereafter.

To proceed with the *Inquiry*.—In order to evade the charge on the neglect and unwillingneſs of the adventurers, in the performance of the ſecond part of the contract, we are preſented with what are called the *cauſes, which have brought about the preſent ſtate of the Level*; but, they are all reſolvable into the ill conduct of the adventurers.

To make out theſe cauſes, the writer of the *Inquiry* reverts to his old argument in favour of the adventurers, *the hazard of the contract*. "It is to be remembered, ſays he, that it was originally a contract of hazard. The expence of the contractors depended on the elements of water and air, whoſe operations are not the objects of calculation. Had theſe elements, continues he, favoured the undertaking, and the winter ſeaſons been conſtantly kind, the great expences, occaſioned by extraordinary floods, had been ſaved."—Now, all this is nothing more than ſaying, that if the adventurers had had no obſtacles to contend with, in the progreſs of their works, they would have made a much better bargain than they did. When the contract was entered into, could the adventurers poſſibly expect that the elements of water and air would ceaſe to operate according to their eſtabliſhed nature? Could they expect the winter ſeaſons would be *conſtantly kind*, for a hundred years together, againſt their own—againſt univerſal experience to the contrary!—Till the writer of the *Inquiry* can make it likely that the adventurers were poſſeſſed with ſuch unaccountable notions, it adduces nothing againſt the *fairneſs* of the contract, or in excuſe for the neglect of the adventurers (in not per-

forming the ſecond part of it) to exhibit the difficulties that were to be overcome.

The *preſent ſituation* of the Level by no means proves (which is aſſerted) that the terms of the contract, from the hazardous nature of it, were diſadvantageous to the adventurers. All that is thereby proved, is, that the adventurers have not performed *their* part; *viz.* keeping the country in a proper ſtate of drainage: for which purpoſe, one third of the whole Level was all the adventurers deſired to receive, and all the other party in the contract thought proper to give:—But, ſurely, there is no reaſon to complain of the hazard of the bargain, if the bargain itſelf turns out to their advantage. For the 95,000 acres of land, the adventurers have paid *a million*; for this million they have received nearly *four millions*, and are ſtill in poſſeſſion of the 95,000 acres,—while, to their ſhame be it ſpoken, "*the undertaking is in jeopardy*," and the lands which yielded to ſo great a diminution in favour of the adventurers, are, by them, threatened with a retrogreſſion into their original ſtate.

It is ſaid that the works which were firſt made for the purpoſes of draining, are, from the alteration in commerce, roads, &c. no longer capable of performing their intended offices. The effect which the improvements in commerce, agriculture and other matters are ſuppoſed to have had upon the Great Level, is heightened and enlarged, far beyond the power of ſuch cauſes.—But, allowing them to have had ſome little power in militating againſt the works of the Level, thoſe works would moſt probably have been able to ſuſtain this additional force, had their original power never been reduced; which, it is evident, ought not to have been. But thoſe works, which anſwered all the purpoſes of the firſt drainers, are no longer in the ſame ſtate they were. Their power and capacity, in the act of draining, are conſiderably diminiſhed, from the non-performance of the ſecond

cond part of the contract. Some, through neglect, have been in a manner choaked up; other have been left unſupported to the waters which are continually acting upon them; and others abandoned to the ſlow but certain decay of nature. Had theſe, however, been well attended to; had they been kept in a proper ſtate of reparation; there is good reaſon to conclude, that they would have anſwered all the purpoſes for which they were at firſt intended, through ages, in ſpite of this trifling addition to the power they have to contend with. But had this power been of much greater conſequence, it was the duty of the adventurers to render their works ſuperior to it. They were not only bound "*to ſupport the works that had been made, but alſo to add new ones, as occaſions and circumſtances might require.*" See Inq. p. 19.

The cauſes of the preſent ſtate of the Level are cloſed, by urging the decreaſe of the value of money as no inconſiderable one. But a moment's conſideration will ſhew, that the writer of the *Inquiry* has caſt his eye only on one ſide of the queſtion. That the decreaſe of the value of money hath increaſed the value of labour, (and, of courſe, the expence of the adventurers) is readily allowed: But, is it not a well-known fact, that the value of all lands has increaſed in proportion! The lands of the adventurers would, therefore, have borne a higher taxation, equal to that increaſe of expence, if they had thought proper to have laid it on them. Their not chooſing, however, to do this, will account for the preſent ſituation of the Level. This is the ground-work for the whole complaint: they have been unwilling to tax their adventure lands for the ſupport of the works they had bound themſelves to maintain; and ſo have brought themſelves into a ſituation, from which they *pretend* they cannot be delivered without extraneous aſſiſtance.

The laſt and moſt material part of the *Inquiry* comes now to be conſidered; namely, THE MOST

PROBABLE AND EQUITABLE MEANS OF RELIEVING THE UNDERTAKING FROM THE SITUATION IT HATH FALLEN INTO; AND THE CONSEQUENCES OF ITS REMAINING IN THE STATE IT IS IN, WITHOUT ANY FARTHER ATTEMPTS TO RETRIEVE IT.

It is the inequitable mode of relieving the undertaking, intended by the *Bedford* Level corporation in their preſent application to parliament, that has ſo juſtly alarmed all the counties which ſurround the Fens, and excited them to an univerſal and ſtrenuous oppoſition to it—Unconnected as they are with the ſcheme of drainage, they find that the aim of the bill is directed chiefly againſt them; that the *navigations*, which ſupply them with coals and other articles, are to be burthened with a *toll* productive of a fund that will be more than ſufficient for all the purpoſes of *draining*; that, ſhould the bill take place in its preſent form, the *adventurers*, in a little time, will be diſburthened of the expence of keeping their banks in repair; and the country which receives the benefit, nay, almoſt its exiſtence, from drainage, will be no longer neceſſitated to contribute any thing to its own ſupport.—The *navigations* are to do *all*. *They* are to raiſe a fund large enough for the execution and ſupport of every ſcheme the adventurers have determined upon for the benefit of their property; and which, by the bye, ceaſes to be theirs, when they no longer perform the conditions of the contract. But, why all this ſhould be done by a ſmall portion of the public, for the benefit of the eſtates of individuals; why the *navigations* ſhould be depreſſed by ſuch an inſupportable burthen, when it is evident, they have hitherto been rather injured than benefited by the works of drainage, and can receive little or no benefit in future, and only require a paſſage through the Fens, which they have a right to demand without any impediment—are queſtions, which, it is apprehended, cannot eaſily be anſwered.

The mechanical part of this matter; that is, the

way of curing the evils which impede the draining, is mentioned by the inquirer under ſeveral particulars. "Theſe," ſays he, "are the great objects to be atchieved: for, if theſe works be properly executed and continued, the Great Level will be drained, will continue drained."

To bring, then, the country, and the works of drainage into ſuch a proper ſtate as is here required, the ſum of 75,000l. is, by the Bill, intended to be raiſed. The expenditure of this ſum will reinſtate the Level in ſuch ſecurity as the advocates of the Bill are deſirous of. When thus ſecured, the benefit the adventure lands would thence derive, would, no doubt, enable them to bear a tax equal to the ſupport of theſe works.—I beg the reader's attention.—Now, if the adventurers were to be preſented by the counties ſurrounding the Fens with this ſum of 75,000l. for the purpoſe they want it, without *ever* requiring either principal or intereſt from them, would it not ſeem that a great and ſufficient means of completing the deſign of draining the Level had been acquired by the adventurers? An aid to the execution of *their* part of the contract which they never could poſſibly have expected? which the original contractors had no idea of?—Yet this immenſe *gift* (for ſo let us reckon it) would be a *trifle* to the demand, which the adventurers are now endeavouring to make on thoſe particular counties, by means of the intended toll on the navigations.—It will clearly appear ſo by the following calculation.

There come up the navigations from *Lynn* yearly through the Fens coals, chal. - 96,000
corn, ton. - 30,000
various goods - 14,000

In all 140,000

which

which at 1s. per ton (the intended additional toll) will amount to - - £7,000
We may reckon the interior trade at £1,000
The *Wiſbeach* trade, moderately, at £1,000

£9,000

ſo that no leſs a ſum than 9,000*l.* will be raiſed *yearly* by this additional toll on the navigations. This toll is not to diſcontinue after a limited time, when the purpoſes of *draining* are anſwered; but it is to continue *for ever*. The 75,000*l.* to be raiſed, as well as the vaſt income which the additional toll will produce, is to be lodged in the hands, and to be at the entire diſpoſal of the *Bedford* Level Corporation. The tolls on the navigations only*, would, in the ſpace of eight or ten years, diſcharge the whole 75,000*l.* borrowed on the credit of them; and, afterwards, would become the property of —— whom?—truly, of the *adventurers!* Will not this 9,000*l.* per ann. be employed for their excluſive benefit? Will the good of the navigations be once thought of by them? Will not the whole income be employed to pay off the old debt contracted on the draining ſcheme; and, in the end, will they not entirely exonerate the whole lands of the Level of every tax, of every burthen whatſoever?—Had the navigations been the *ſole* cauſe of bringing the Level into its preſent ſtate, this demand of the adventurers would have appeared a moſt unjuſt one; ſince the fund to be raiſed will not only put the Level into its original ſtate of drainage, but will be more than ſufficient to continue it for ever in that ſtate, independent of any tax whatever on thoſe lands which were bound for the preſervation of the works, and whoſe very exiſtence depends thereon.—Surely, ſuch great, ſuch manifeſt injuſtice, never appeared

* Excluding the tax on the free lands, of which we ſhall ſpeak preſently.

before

before upon the face of any meaſures offered for the ſanction of Parliament!—Were the navigations to lend their aſſiſtance in putting the Level into its *firſt* ſtate of drainage, (and that in proportion to the ſhare they may be ſuppoſed to have had in bringing about its *preſent* ſtate) it would be all that could be *reaſonably* expected of them. But to endeavour to throw the *whole weight* of draining the Fens, and keeping them drained, *upon the Navigations*, is, ſurely, a moſt unjuſtifiable attempt. In truth, the adventurers have no claim at all on the navigations for any aſſiſtance whatever. They were bound by the contract, and they have had a ſufficient fund in their power, to ſupport their works againſt any unexpected contingencies.

As to any advantage the navigations are ſuppoſed to have received from the works of drainage; ſurely no claim will lie againſt them on that account.—The benefit they have received (if they have received any) was adventitious; neither *ſought for* by the navigators, nor *intended* by the adventurers. It aroſe from the execution of a favourite ſcheme of the latter, which has turned out greatly to their advantage. Could the original adventurers, I would aſk, ever even dream of a future application to the navigations for aſſiſtance in draining the Fens? It is plain they never thought of any ſuch thing. They regarded the navigations as quite independent of their ſcheme of drainage; and with this idea, bound themſelves that no damage ſhould be ſuſtained by them in conſequence. But if an immoderate toll be laid, by their ſucceſſors, on the goods conveyed by theſe navigations, a great, and, I truſt, an undeſerved damage will be thereby ſuſtained.

But it is far from being admitted that the navigations have received any, the leaſt, benefit from the drainage of the Fens; nay, it is contended that they have received conſiderable hurt therefrom. The inquirer has done well to endeavour to invalidate the teſtimony

teſtimony of Mr. *Badeſlade*, as well reſpecting the good ſtate of the navigations before the ſcheme of drainage took place, as the injury ſuſtained by them in conſequence of its execution. *Badeſlade's* book is of conſiderable importance and indubitable authority; and is applied to upon all occaſions reſpecting the ancient ſtate of the Level. The facts related are ſupported with ſuch a body of evidence, that it is not poſſible for any one to overturn them. The matter reſts not on mere aſſertion, but the affidavits of many perſons of credit are given, which put it beyond the leaſt doubt as to the truth of the facts recorded.

We learn, then, that previous to the works of the adventurers, from the abundance of freſh waters deſcending from the counties ſurrounding the Fens, and from the great and unreſtrained influx and reflux of the tides, the ſeveral rivers in the Fens were preſerved in a proper ſtate for navigation; ſo deep and convenient, that veſſels carrying from fifteen to forty* tons burthen made many voyages in a year from *Lynn* up the ſeveral rivers within, and which communicate with, the Level; and this, without the obſtructions, charges, and delays, which took place afterwards from the erection of ſluices and other works of the adventurers.—This is clearly made to appear in the *caſe of the navigations and trade* lately publiſhed. I ſhall beg leave to give a page or two from that book in the author's own words.

" By the ſtoppage of the tides out of the rivers *Ouſe*, *Nene*, &c. by the cutting of the 100 foot river ſo ſhallow, and by the erection of *Denver*, *Salter's Lode*, and other ſluices, the large veſſels with which the trade uſed to be carried on previous to thoſe works, were obliged to be laid aſide for want of a ſufficient depth of water, and ſmall boats or lighters were at firſt ſubſtituted which could carry but ſmall burthens, as they were haled and towed along the ri-

* The veſſels now run in general, from 8 to 12 tons burthen.

vers

vers by men walking on the ſides thereof; which making their paſſage long and tedious, it of neceſſity increaſed the freight of goods and merchandize; and in order to carry on the trade with more expedition and advantage, it became abſolutely neceſſary to increaſe the ſize and number of theſe boats or lighters; and to put them into trains of ſeveral faſtened to each other (called gangs) and to hale them with horſes upon the ſhores and banks of the ſeveral rivers, even from their firſt departure from the town of *Lynn*."

The obſtacles and great expences attending this new mode of navigating, were increaſed by a demand on the navigations for the uſe of the banks lying between the Level and the town of *Lynn*.

" The banks on both ſides the *Ouſe* from *Lynn* to *Downham* Bridge (twelve or fourteen miles in length) are private property; and the owners thereof have demanded of the navigations certain payments for the uſe of them. Theſe payments have been increaſed from time to time, according to the will and pleaſure of the owners of theſe banks, and are now a very heavy burthen on the navigations, entirely occaſioned by the works of the undertakers putting the watermen under the neceſſity of altering their former manner of navigating, which was by maſt and ſail and help of tides, without the expence of horſes.

" The works of the undertakers were to be without prejudice to navigation; by which the navigators underſtood they were to be free from taxes, tolls, or duties, and have (as is expreſsly ſaid they ſhould) a free paſſage on the banks to be made by the undertakers; notwithſtanding which, many heavy charges and incumbrances have already fallen on the trade and navigation of *Lynn*, particularly by the navigation of the river *Nene*, which was ſo obſtructed or rendered uſeleſs to the navigators, by the neglect of the *Bedford* Level corporation, and by their permiſſion of engines or mills to be erected on the ſides thereof, that the trade was obliged, about twenty-three years ſince, to ſubmit

mit to a tonnage of ſix-pence per ton for the getting a paſſage through the Fens, and reſtoring that navigation; an incumbrance of 800*l.* per ann. on that branch of the trade from *Lynn*. The navigation alſo of the *Grant* from *Clayhithe* to *Cambridge*, for want of the depth of water which it formerly had by the influx of the tides, was obliged to be ſluiced to keep up heads of water, which brought a further expence on the navigators.

" It is true that the trade of *Lynn* is of late years greatly increaſed, by extending the navigators far beyond the Level of the Fens, but the works neceſſary for making thoſe navigations, and carrying the trade to ſo great a diſtance, has been attended with very great expences; inſomuch, that the tolls payable on account of theſe extended navigations, added to the tolls of the *Nene* and *Grant*, and payments for haling on the banks between *Lynn* and *Denver Sluice*, and on ſome banks within the Level of the Fens, are ſo accumulated a burthen on the trade, that it will not bear any further charge. And in caſe any additional charge ſhould be laid on trade by the propoſed corporation Bill, it is feared that the burthen will be ſo heavy as to occaſion a much greater part of the country towards the extent of the ſeveral navigations, than there now is, to get ſupplied with coals, one of the principal articles of conſumption, from the inland pits, to the prejudice of the revenue, and to the detriment of the trade and port of *Lynn* *."

* This is particularly the caſe, with reſpect to the weſtern extremity of the navigation of the *Nene*. One of the windings of the navigable Canal now making from *Coventry* to *Oxford* (commonly called the *Oxford Canal*) approaches ſo near the weſtern diviſion of the *Nene*, that the *pit coal* brought into *Northamptonſhire* by the former, already interferes conſiderably with the *ſea coal* (as it is called) brought from *Lynn* by the latter. The reaſons for preferring either are ſo nearly equal with the conſumers, that any *new* burthen laid on the *ſea coal* will operate ſo much in favour of the *other*, as to prove a ſevere ſtroke on the navigation of the *Nene*, and on the *trade with Lynn*, carried on by means thereof.

Where

Where then is the propriety of the claim on the navigations which theſe adventurers have thought proper to ſet up, for the benefit they have received from the works of drainage? The navigations, before the execution of theſe works were in good order for the purpoſes of trade and commerce, and the ſeveral rivers in the Fens capable of ſuſtaining much heavier burthens than they are at preſent. With a much better face might the navigators claim a recompence for the injury they have received from the drainage. All the obſtructions, delays, charges for the uſe of banks, both within and without the Level (on the *Lynn* ſide) which the navigations now labour under, have been owing either to the nature or to the neglect of the works of the adventurers. The whole undertaking was engaged for that part of the contract which declares that no prejudice whatever ſhall be done to navigation; and a court of equity would undoubtedly give the deſired relief.

But the adventurers ſeem not to build their hopes of ſucceſs ſo much on the good they ſuppoſe their works have done to the navigations, as on the injury the navigations have done to their works.—The navigators are charged with injuring the works of the Level by the preſent mode of navigating, which is by horſes haling along their banks. But, I would aſk, what made this mode of navigating neceſſary? Was it not the works of the adventurers? Deprived of their ancient method, they were neceſſitated to adopt the preſent; and nothing but neceſſity could have brought on a change from an eaſy and unexpenſive mode, to an obſtructed, tedious, and burthenſome one.—If then the works of the adventurers deſtroyed the old method of navigating through the Level, is it not reaſonable that they ſhould furniſh the navigators with another? But it is not from the *reaſonableneſs* of the thing only that the navigators expect to be thus accommodated; they *demand* the uſe of the adventurers' banks for the purpoſe of navigating, as a clear

and unqueſtionable *right*; the original undertakers having expreſsly agreed that their banks ſhould be ſubject to the uſe of the navigators for haling ways, without any charge or hindrance whatever.

But let us ſee what theſe adventurers ſuffer, according to their *own* account, by the uſe the navigators make of their banks. *They* ſay that their banks reach 170 miles, and that the damage done by the navigators could not be repaired, on an average, under about 8l. per mile, per ann. ſo that, according to this reckoning, the damage the navigations do to the works of the Level amounts to 1,360*l.* a year. Now, allowing this to be a fair ſtate of the caſe, with what face can the preſent adventurers require an *annual* income of 9 or 10,000*l.* from the navigations, as a compenſation for this damage? But, after all, this account ought to have been ſubſcribed by the adventurers, *errors excepted*; for it will be found on examination, that a conſiderable part of theſe 170 miles conſiſts of diſtrict-banks, turnpike roads, &c. for the uſe of which tolls * have already been *impoſed* on the navigations. It is alſo quite a doubtful matter whether the horſes haling on the banks have not done rather *ſervice* than injury thereto. One of the adventurers' *own* witneſſes (in a late examination before a Committee of the Houſe of Commons) ſays, that if the horſes were to keep at the *top* of the banks when they hale, he thought they might be of ſervice to them. The *top* of the banks is the place which the horſes uſually hale upon; it is the ſafeſt and moſt convenient for them; and the aſſiſtance they afford the banks in preſſing down and conſolidating them, is a ſufficient recompence for now and then kicking off a bit of dirt into the river; and it will probably, at a proper ſeaſon, ſatisfactorily be proved, that thoſe banks,

* Whether the *Bedford* Level corporation receive any of theſe tolls is beſt known to themſelves: Certain it is, that the navigators pay them.

which

which the navigators have uſed for haling ways, have been leſs liable to breaches and decays, than thoſe which were never made uſe of for that purpoſe.—If what is here advanced be true, or, indeed, if it be doubtful, the whole demand even of the 1360l. above mentioned (if the adventurers had been modeſt enough to have aſked *no more*) would fall at once to the ground.

But there is another pretence ſet up by the adventurers in their preſent application to Parliament, in which their kindneſs for the navigations is remarkably conſpicuous. The works, ſay they, which are intended to be executed under the preſent ſcheme will be very beneficial to navigation. Whoever examines the works intended to be done, will perceive that they are all *works of drainage*, intended for no other purpoſe than rendering the lands of the Great Level, belonging to the adventurers and others, of more value than they are of at preſent. As far as theſe works may operate in making the navigation better, ſo far may the navigators rely on the aſſiſtance of the drainers, but not a tittle farther.—But, if the intended works were to put the navigations into better order than it is poſſible for them to do (ſome of them it is feared will do more injury than benefit to them); if the *intereſt* of the adventurers would ſuffer them to do anyworks *purpoſely* for the benefit of the navigations; yet would the navigations be in no better order, after all, than it is the duty of the adventurers to reinſtate them in, without any aſſiſtance from the navigators for ſuch purpoſe. It is a doubtful caſe, with many experienced people, whether the propoſed works will even anſwer the purpoſe of drainage; much more doubtful is it, whether the navigations will receive any benefit thereby. Yet, under the idea of this diſtant and precarious advantage to the navigations, the adventurers have the modeſty to require not leſs than 9 or 10,000*l.* per ann. from them *for ever*.

How would the propoſition appear if it were re-

verſed? Let us ſuppoſe that the rivers, higher up the country than the Level, are damaged; that much land in the ſeveral counties through which they flow, is drowned, which heretofore was not uſed to be overflowed: would it be thought reaſonable, in order to remedy ſuch evils, to apply for an act of Parliament which ſhould load the *lands of the Great Level* with a *perpetual tax*, on a ſuggeſtion that they would be benefited by the methods neceſſary to be uſed to ſet the navigations in ſuch order as to free the lands, ſo drowned, from the like diſaſter in future?—But would it not appear glaringly unjuſt, to lay ſuch a tax on the Level, as would not only entirely remove this evil, but would furniſh the navigators with a ſufficient fund for maintaining all their *other* works, and for the execution of any other project that might turn out to their advantage?—The caſe is exactly parallel.—It is but changing ſides, and the application of the *Bedford* Level Corporation will appear in no better a light.

To return—excluded from any ſhare in the diſpoſal of the fund they are to raiſe, the navigators cannot conceive themſelves to be, in the leaſt degree, the objects of the *good will* of the adventurers: they *know* themſelves to be the objects of their *rapacity*. The propoſed works are, to all intents and purpoſes, the *works of drainage*; and the fund for executing them is to be *ſqueezed* from the *navigations*.—All the good the navigations can poſſibly receive, will only bring them into ſuch a ſtate as they have been reduced from, by the works of the adventurers; and yet to reſtore them (in *pretence* at leaſt) to this ſtate, theſe very adventurers demand a ſum which will not only bring back *their own neglected works* into *their* original ſtate; but, in a few years, will diſcharge any debts they may have contracted, and become hereafter a fund that will entirely eaſe them of every tax or burthen whatſoever.

Upon the whole, the navigators are too well acquainted with the conduct and deſigns of the adventurers to expect any other advantage than ſuch as may

adventitiouſly ariſe from the execution of their own works; and whoever reads the BILL intended to be offered to Parliament, cannot but be of the ſame opinion. Although they have been careful to avoid any obnoxious expreſſions, which might tend to make their deſigns apparent at firſt view; yet, to a careful obſerver, it will plainly appear that an undue influence prevails throughout.—There is not a clauſe but what is incloſed within the faſt gripe of the *Bedford* Level Corporation. Every power the Bill can grant is to be lodged in *their* hands. They admit of no aſſociate in the execution of thoſe powers. The chief, and eventually, the *only*, party, that furniſhes the cure of their evils, is entirely excluded from having any ſhare in the adminiſtration of it. The nature and execution of the works; the diſpoſal or retention of the vaſt fund the Bill would raiſe on the *navigations*; *all* is to be in the ſole power and direction of the *Bedford Level Corporation*.—Indignation reddens at the attempt!—Would it were able to draw a bluſh from the whole band of conſervators of the Great Level!

But, in order to frighten the navigators with *conſequences*, it is queſtioned (Inq. page 54) "Who are the parties that are moſt intereſted in the preſervation of the Great Level?"—And the anſwer is alſo given, "the owners of the lands and thoſe who carry on the commerce by the ſeveral navigations through it."—It would, indeed, be *needleſs*, as the *inquirer* obſerves, to endeavour to prove that the owners of a landed property, "*worth at leaſt one hundred thouſand pounds a year*," are concerned for the preſervation of that property. But ſome trouble and pains are requiſite to convince the unyielding navigators, how much they riſk in not endeavouring to preſerve the Level!—To do the *inquirer* juſtice, he has ſaid all he can to impreſs them with a ſenſe of their danger: but, alas! all in vain. They will ſtill ſit undiſturbed, though the roaring winds and the daſhing floods threaten the whole Level with deſtruction. And all this, from a

thorough conviction of the propriety of the *Inquirer*" remark, that " *Selfiſhneſs is a watchful guardian.*" They regard thoſe *firſt principles* he ſpeaks of, and which act ſo powerfully on all mankind, as ſufficient to reſiſt all the floods and tides that may hereafter threaten an invaſion of the Great Level. Theſe principles have hitherto preſerved that country, and will, no doubt, continue to do ſo. Whether, therefore, the navigations are in a good or bad ſtate at this time; thoſe who are concerned in them truſt they will get no worſe from any farther defection in the drainage; and their confidence is placed in no mean ſecurity. Can it be ſuppoſed that the proprietors of land, worth at leaſt *one hundred thouſand pounds per annum*, will ſuffer ſo immenſe a property to be reduced to its firſt unfruitful ſtate, when it is in their power to preſerve it in a profitable ſtate of cultivation? The greatneſs of the preſent value of the Level ſhews how able it is to provide for its own ſafety; and alſo, what great advantage has been derived from the ſcheme of draining it.—If, therefore, the adventurers are not any longer able to maintain the works of the Level without aſſiſtance, to whom can they apply with ſo much juſtice as to the *proprietors of the free lands*, who have received a proportional benefit with themſelves? As long, however, as the lands of the Great Level (*free* as well as *adventure*) will bear a taxation equal to the ſupport of the works of drainage (and there ſeems but little doubt of their always being equal to ſuch a taſk) the navigations have nothing to fear; even if the deſtruction of drainage ſhould bring on the ruin of navigation; which, however, is very far from being the caſe.

It is, therefore, of no avail to hang out the conſequences of the country's returning to its original ſtate *in terrorem* to the navigators; to offer ſuch ſuppoſitions and queſtions as theſe; (page 55) " If the banks of the Great Level were deſtroyed, and the waters left to flow at large, as formerly, without any reſtraint;

reſtraint; *what would become of the* NAVIGATIONS?" —A queſtion may be returned, which will not only ſerve as an anſwer to this, but as a ſufficient reaſon for the little apprehenſions the navigators have, of experiencing any of the implied conſequences. If the banks were to be deſtroyed and the country were to go back into its original ſtate, *what would become of the* LANDS? Would they not be, in a manner, annihilated? Would not the proprietors of them loſe the immenſe income of 100,000l. per annum? It is not likely, ſurely, that they would yield ſo great a property up to floods and tides, merely becauſe an unjuſt demand cannot be obtained from the navigators, who think themſelves wholly unconcerned in the buſineſs of draining the Fens. Thoſe, therefore, who are concerned in the commerce of the rivers, have nothing to fear from ſuch bugbears as theſe. Indeed, the navigations were conveniently carried on long before the drainage obtained: and if the waters were again to take poſſeſſion of the country, a convenient paſſage would, no doubt, ſtill be found, for all the purpoſes of trade and commerce.

THE CONCLUSION.

THE proprietors of the *free lands* beſt know, whether the *adventure lands* are able any longer to ſupport the works which ſecure their property without aſſiſtance. If it be a fact that they are no longer able, it is their undoubted intereſt to lend an helping hand. Their whole property, in ſome meaſure, depends upon it. But the *navigations* will be little concerned in the matter. They are at preſent in as good a ſtate as thoſe who are concerned wiſh them to be in: at leaſt, the navigators deſire not that they ſhould receive any amendment, if it muſt ariſe from the ſucceſs of the preſent deceitful meaſures; which, ſhould they afford any relief to one part, will infallibly

infallibly introduce deſtruction in another.—But the proprietors of the free lands, I believe, could not eaſily be perſuaded that the *adventure lands* are *alone* unable to ſuſtain the expence of keeping the country in a ſtate of ſecurity. Thoſe proprietors well know how ſuperior in *value* the adventure land is to their own; and, they are not unacquainted with the cauſe of that ſuperiority. It is ſaid by the *inquirer*, that the adventurers ſhould have been rewarded with *one half*, inſtead of *one third*, of the whole Level, to have enabled them to perform the contract.—If *one half* of the *value* of the whole Level would have given the means, they are on their own ground, almoſt without excuſe for not performing it: for the adventurers, at the completion of their ſcheme, were in poſſeſſion of *one half* (or nearly ſo) *of the value of the Great Level*. The manner in which it was obtained will not ſoon be forgotten by the other proprietors of the Fens: nor ſhould it be omitted here. The preſent diſpoſition of the adventure lands confirms the relation, that, before the Level was diſpoſſeſſed of its waters, the adventurers, impatient of the progreſs of their works and eager for their reward, employed perſons to traverſe the Level, in order to ſound the depth of its various parts (eſpecially thoſe which approach the uplands); and, wherever the land was found to maintain a higher ſituation than the general ſurface of the Fens, *there* the ſtandard of the adventurers was fixed. The ſmalleſt ſpots, however ſcattered or remote, which firſt ſhewed themſelves, above the ſurrounding waters, were eagerly ſeized upon by theſe watchful diſcoverers, and claimed as part of their allotted reward. By theſe means they acquired a large and diſproportionable ſhare of the *higher parts* of the Fens, to the no ſmall benefit of themſelves and diſadvantage of the proprietors of the country. The interference of the latter at length put a ſtop to ſuch proceedings, but not time enough to hinder the adventurers from obtaining nearly

nearly *one half of the value*, when they poſſeſſed but *one third of the lands*, of the Great Level.

The conduct of the ſeveral ſucceſſions of adventurers has ſufficiently manifeſted their legitimacy. Whenever any breach or decay of their works has happened which threatened the admiſſion of a flood over the neighbouring lands, and their own have not been in immediate danger; it has been cuſtomary with them to withhold their aſſiſtance till the proprietors of thoſe lands, for the ſafety of their property, have been obliged, at their own expence, to do the work which ought to have been done by the adventurers. The prevalence of *diſtrict draining*, ſo burthenſome on the proprietors of the Fens, can only be accounted for by the neglect of the adventurers; ſince there could have been no neceſſity for adopting ſuch a mode of draining them, had the conditions of the contract been performed on *their* part: that is, had the country been kept in a drained ſtate.—By ſuch meaſures as theſe, the adventurers have, indeed, ſaved their money, but they have violated their engagements: and numberleſs are the diſtreſſes in the Fens, among the inferior proprietors eſpecially, which have been occaſioned by various inſtances of *their* neglect, or of the exertion of that unlimited power which is unfortunately lodged in their hands.

Hitherto, however, the avarice and oppreſſive power of the adventurers have been exerciſed only againſt the other party in the contract. But, avarice and power are ever on the ſtretch; and new objects are eagerly ſought, when the old ones begin to ſink under their influence. The works of the Great Level begin to fail under the mal-adminiſtration of the adventurers; and their new objects, the *navigations*, already tremble at their approach.—It is hoped, however, that juſtice will repel ſo unwarrantable an intruſion, and entirely defeat thoſe inequitable meaſures that are intended to be offered for the ſanction of parliament.

Indeed, the ſucceſs of the bill is worth all the care and

and ingenuity of the adventurers, ſince ample proviſion is therein made for obtaining every advantage their greedy minds could anticipate. A ſum of not leſs than 9,000*l.* will be drawn *yearly* from the NAVIGATIONS *for ever*, for the ſecurity and improvement of *their* eſtates, payment of *their* debts, and for ſuch other purpoſes as the *Bedford Level* Corporation ſhall think proper to apply it. A ſum which the navigators can ill ſupport the payment of, and which they think the drainers have not the ſhadow of a right to demand.

The *ſix pence* an acre to be laid on the lands of the Level * for the term of *ſeven years*, can only be regarded as a *cloak*, under which the deſign on the navigations might be accompliſhed †. The proprietors of the moſt valuable parts of the Level have very juſtly reprobated the injurious mode of laying on this additional tax. The lands are worth from two ſhilling to thirty ſhillings per acre; and, by the bill, it is intended to lay a tax of ſix pence per acre indiſcriminately on the whole. The abſurdity of this is evident, ſince the tax bears no proportion to the different abilities of the lands which are to pay it. Such as are worth 30s. per acre, are as able to pay 7s. 6d. as thoſe worth only 2s. are a tax of 6d.—But the ſurpriſe of the reader will ceaſe, when he recollects that the *adventure* land is, in general, of greater value than the *other*.

But however obnoxious this unequal tax might be to the proprietors of the free lands, when the report of it firſt broke out among them; many, upon maturer deliberation, have rather acquieſced in the meaſure; and they have good reaſon for their conduct. It is not *their* intereſt to lay any obſtacles in the way of

* That is, on the lands of the Middle and South Levels.—Many of the intended works will manifeſtly be of ſervice to the drainage of the *North* Level. It is difficult, therefore, (having in view the preſent meaſure:), to account for the corporation's not applying for aſſiſtance from this Level. *They* are, no doubt, in poſſeſſion of the ſecret.

† If this was not the caſe, what reaſon can be alledged for making the tolls on the Navigations *perpetual*, and the tax on the lands *only for ſeven years*.

the

the bill. The *toll on the navigations* is ſufficient to ſilence every murmur. They perceive that the inconvenience which they may at preſent experience from the tax, will be abundantly compenſated, in the courſe of a few years, by the proviſion the bill contains for the benefit and ſecurity of their property. They perceive that the fund ariſing from the *toll* will preclude the neceſſity of *any future application* for their aſſiſtance; and that the adventure lands, as well as their own, will ſoon be diſburthened of any tax whatſoever at the expence of the navigations, which may probably ſink under the load that has ſo unreaſonably been heaped upon them.—This is the *deſign*; this the *conſequence* of the ſucceſs of the *Bedford Level Corporation Bill.* It is, however, to be hoped, that the wiſdom and juſtice of parliament will fruſtrate ſuch deſign; and ſo avert the conſequence, which ſeems neceſſarily to follow their approbation.

I cannot diſmiſs the ſubject without ſaying a word or two reſpecting the particular navigation of the river *Nene*, which enters the Great Level at *Standground Sluice*, and leaves it at *Salter's Lode.* All that has been hitherto ſaid of the navigations, reſpects them *in general:* but there are ſome particular circumſtances attending this of the *Nene*, which intirely exempt it from the concern of the drainers upon their own ground; and nothing but the moſt unjuſtifiable intentions could direct the *Bedford Level* Corporation to intermeddle with, or demand any thing from it.—The navigation of the *Nene*, from *Standground Sluice* to *Salter's Lode*, is provided for by particular act of parliament. A *toll* was eſtabliſhed at theſe two places (the extremities of the Fens through which the *Nene* paſſes) amounting to 6d. *per* chaldron or ton; the ſum of 10,000*l.* was raiſed upon the credit of this toll, which was expended in deepening that part of the river which lies in the Level, and completing the navigation thereof.—The fund which this toll raiſes (being 800*l. per ann.* on an

an average) is amply ſufficient for paying the intereſt of the money borrowed, and *for keeping the river* (within the limits of the Fens) *in convenient repair for navigation*.—Why, therefore, the *Bedford Level* Corporation ſhould blend this navigation with the reſt, I cannot tell. It ſeems only to be accounted for by the general idea which they ſeem to have adopted of oppreſſing the navigations, for the excluſive benefit of particular and private property.

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The foregoing pages were drawn up from a view of the intended meaſures, as ſet forth in the copies of the bill publiſhed by its promoters. The ſum of 75,000*l.* only, is therein propoſed to be raiſed on the credit of the *new tolls* on the navigations. But, at a meeting held at the *Shire Hall* at *Ely*, on the 19th of *April*, 1777, for the purpoſed of conſidering the merits of the bill, a gentleman preſent produced three eſtimates of the expence that would attend the execution of the propoſed works; one of 145,000, another of 150,000, and a third of 180,000*l.* And the promoters of the bill were aſked why the *real ſum* wanted was concealed.—It was anſwered that they were afraid the *largeneſs* of it would alarm the parliament. They might, indeed, expect the Houſe would take the alarm, when it was aſſured that this immenſe loan would be raiſed on the credit of, and hereafter would be diſcharged by, the *navigations*, which are not at all concerned in the ſucceſs or failure of the draining ſcheme, as to any advantage or hurt they may thence derive.—The above meeting was employed chiefly in diſputes concerning the expenditure of the money to be raiſed; every one delivering his opinion of the new banks, cuts, and drains, that would be neceſſary, as his fancy, but chiefly as his *Intereſt*, directed him. In ſhort, the 75,000*l.* nay, even the largeſt eſtimate, the 180,000*l.* ſeemed to be as completely diſpoſed of, as if the *fiat* of the legiſlature had already been obtained.

THE END.

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